

38 Green Street  
Cambridge, Massachusetts 02139  
December 16, 1976

The Honorable Henry Kissinger  
Secretary of State  
Department of State  
Washington, D. C. 20520

Re: United States Withdrawal from  
the International Commission for  
the Northwest Atlantic Fisheries

Dear Mr. Secretary:

We in industry understand the Department of State's concern for an orderly and even-handed transition from having our coastal fisheries managed through multilateral agreements to having them managed pursuant to PL 94-265.

The law specifically addresses this point in Sec. 202(b), which concludes:

" It is the sense of Congress that the United States shall withdraw from any such treaty, in accordance with its provisions, if such treaty is not so renegotiated within a reasonable period of time after such date of enactment."

To ensure that the transition period would be reasonable, the Conferees did adopt the effective date of 1 March 1977 (Conference Report, Sec. 104).

Further, Sec. 202(b) of the Joint Explanatory Statement says:

" Such renegotiation [of any treaty which pertains to foreign fishing], in the opinion of the committee of conference, would include the filing of notices of intent to withdraw from the International Convention for the Northwest Atlantic Fisheries (ICNAF) and similar such treaties, in accordance with the provisions of such treaties, so that the withdrawal of the United States from such treaties will have become effective by March 1, 1977 if such treaties have not been renegotiated to conform with this Act by that date."

ICNAF has not been, nor can it now be before 1 January 1977 renegotiated to conform with this Act by 1 March 1977.

Some have expressed concern that if we were to follow through on our notice of intent to withdraw from ICNAF, U.S. fishermen and foreign fleets would be able to fish unregulated for two months,

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perhaps somewhat longer, on stocks about which the National Marine Fisheries Service has expressed varying degrees of concern. This should not really be a problem. Unfortunately, the U.S. fleet has nowhere near the catching capability of the combined much larger foreign fleets and their respective vessels. And the weather in the area presently regulated by ICNAF is often at its very worst in January and February.

As regards potential foreign misbehaviour, we think that no more likely than we thought armed confrontation with the Soviets might arise over the United States' unilateral assumption of fisheries management out to 200 miles off our coasts. Sec. 201(e) deals with allocations of allowable levels to foreign nations wishing to fish in our 200-mile zone. The Secretaries, in making these allocations, shall, by law, consider, inter alia, foreign nations' cooperation with the United States in enforcement of fisheries conservation and management. The foreign nations realize that if their nationals fish unrestrainedly in January and February, they may very well risk future decreased or zero allocations on the stocks in question.

The National Marine Fisheries Service has already prepared preliminary management plans (PMPs) pursuant to Sec. 201(g) for those stocks in which it has anticipated foreign interest. The law requires that these be ready for implementation by 1 March 1977. Both the New England and the Mid-Atlantic Councils and the industry have specific, very real reservations about different PMPs, but consensus seems to be that these are at least better than the ICNAF proposals from the annual meeting and from the special meeting just concluded in the Canary Islands.

Further, the New England Council, on 10 November, urgently requested that the National Marine Fisheries Service help the Council prepare what the Council has called emergency management plans for four stocks of particular concern to US fishermen and not covered by PMPs about which NMFS and the Council have expressed especial concern. Presumably, since NMFS has expressed concern for these stocks, it has the material and expertise to do this.

Finally, on this point, we know from bitter experience that just because ICNAF members have agreed to quotas which the Commission has set, they have not necessarily abided by these. Since ICNAF allows only for flag state enforcement, we have no solid basis for assuming this overfishing would change in 1977.

To realize the full potential of the nation's fishery resources, it is necessary to prevent this overfishing and to allow the overfished stocks to begin to rebuild as rapidly as possible consistent with optimum yield. Although much of the technical work the National Marine Fisheries Service has done toward

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implementing this law has been very good, the National Oceanic and Atmospheric Administration has been unwilling or unable to make some of the vital policy decisions at that level which are necessary to ensure that enforcement of PL 94-265 will begin promptly on 1 March 1977. It is not, however, too late.

As Congress developed this law, it found that commercial and recreational fishing do constitute a major source of employment in the United States. And throughout the evolution of PL 94-265, several in the US industry expressed their concern that the bill might not really mean anything because the Executive would find other ways to bargain with their livelihoods. Council members, present and potential, have expressed similar concerns. Yesterday, in joint session, the New England and the Mid-Atlantic Councils voted 18 to 7 with 2 abstentions to withdraw from ICNAF.

We would be seriously disillusioned with our nation's government and its law if the United States were to remain in ICNAF under the conditions negotiated earlier this month. If we as a nation are going to realize the full potential of nation's fishery resources, we are going to need increasingly the efforts and the support of all of the industry.

It will be much more difficult to have this if, with continued membership in ICNAF, the Executive were to set a precedent for circumventing this law in any way. Nor, if the Executive were to do this, do we think the government would be able to ensure foreign nations' adherence to the governing international fishery agreements (GIFAs) which they have already signed or are negotiating to sign.

For all these reasons we strongly urge that the United States withdraw from the International Commission for the Northwest Atlantic Fisheries effective 1 January 1977.

Very truly yours,

Jacob J. Dykstra, President, Point Judith Fishermen's Cooperative, RI  
Chairman, ICNAF Industry Advisors  
Member, New England Council  
Vice President, New England Fisheries  
Steering Committee  
President, Eastern Region,  
National Federation of Fishermen

Thomas Norris, Old Colony Trawlers, Massachusetts  
Alternate Commissioner, ICNAF  
Member, New England Council  
Member, New England Fisheries Steering Committee

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